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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-705*

13 **PETER VINCENT WALTER**
14 **3339 Handy Road, Apt. 711**
Tampa, FL 33618

A C C U S A T I O N

15 **Registered Nurse License No. 497974**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 18, 1994, the Board of Registered Nursing issued Registered
24 Nurse License Number 497974 to Peter Vincent Walter (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action. . . .

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline Against Respondent's Nursing License)**

3 8. Respondent has subjected his license to disciplinary action under section 2761,
4 subdivision (a)(4) of the Code in that his Registered Nurse license and Advanced Practice Nurse
5 Prescriber certificate was disciplined by the State of Wisconsin Board of Nursing. The
6 circumstances are as follows:

7 9. On or about July 28, 1998, *In the Matter of Disciplinary Proceedings against Peter*
8 *W. Walter*, before the State of Wisconsin Board of Nursing (Wisconsin Board), in case number
9 LS-9807171-NUR, an Amended Complaint was filed alleging the following misconduct, as
10 described in the Wisconsin Board's Findings of Facts and Conclusions of Law:

11 10. Count 1: From at least December 15, 1997, through at least June 1, 1998,
12 Respondent practiced as an Independent Advanced Practice Nurse Prescriber without malpractice
13 insurance coverage. Respondent's conduct was alleged to have violated Wisconsin Stats.
14 441.07(1)(b) and (1)(d), and Wisconsin Admin. Code N 7.04(15), and N 8.08, subds. (1) and (5).

15 11. Count 2: On February 11, 1998, a patient who came to Respondent for assistance
16 with weight loss was prescribed Zoloft (an antidepressant), and Adipex (phentermine
17 hydrochloride). Adipex, a scheduled drug, is a stimulant that is similar to an amphetamine; it is
18 an appetite suppressant that affects the central nervous system. Respondent also prescribed
19 Armour thyroid supplementation without any identified patient history of thyroid disease and
20 without any laboratory results showing a thyroid deficiency. Respondent drew three samples of
21 blood on three separate occasions for a thyroid test. The patient never received the results
22 relating to thyroid function. On or about April 30, 1998, Respondent prescribed Meridia to the
23 patient, in addition to the prescription regimen of Adipex and Zoloft. Meridia (sibutramine
24 hydrochloride)¹ affects chemicals in the brain that affect weight maintenance and is classified as
25 an anorexiant. Respondent's conduct was alleged to have violated Wisconsin Stats. 441.07(1)(b),
26 (1)(c), and (1)(d), and Wisconsin Admin. Code N 7.03(1) and N 7.04(15).

27 _____
28 ¹ Meridia was withdrawn from the U.S. market in October 2010 due to safety concerns.

1 12. Count 3: On or about April 30, 1998, Respondent told a patient that he could obtain
2 fenfluramine for her in Jamaica.² Respondent received \$350 from the patient for a 90-day supply
3 of fenfluramine. On or about June 12, 1998, Respondent dispensed a 30-day supply to the patient
4 at a Wisconsin hotel. Respondent failed to provide the remaining tablets or a refund for the
5 medication he did not provide. Respondent obtained the medication from outside of the United
6 States and personally transported it back to Wisconsin for delivery to the patient. Respondent's
7 conduct was alleged to have violated Wisconsin Stats. 441.07(1)(b) and (1)(d), and Wisconsin
8 Admin. Code N 7.04, subds. (1), (2), (5), (13) and (15), and N 8.09(1).

9 13. Count 4: On or about January 16, 1998, a patient went to see Respondent for
10 assistance with weight loss. Respondent prescribed the patient Zoloft and Adipex. Respondent
11 next saw the patient on or about February 21, 1998. At an appointment on or about April 18,
12 1998, Respondent did not recognize the woman as a prior patient. Respondent did not weigh the
13 patient, take her blood pressure, or take any blood samples. Respondent provided the patient with
14 prescriptions for Meridia, Adipex, and Dilantin. Dilantin is an anti-epileptic drug; it is used to
15 control seizures by slowing down impulses in the brain that cause seizures. Respondent informed
16 the patient that the Dilantin would control the "racing thoughts" experienced as a result of the
17 other medications he prescribed. The patient had no history of a seizure disorder. Respondent's
18 conduct was alleged to have violated Wisconsin Stats. 441.07(1)(b), (1)(c), and (1)(d), and
19 Wisconsin Admin. Code N 703.1(1) and N 7.04, subds. (2) and (15).

20 14. Count 5: As part of Respondent's standard treatment program, Respondent required
21 his patients to either attend group sessions or listen to assigned tape recordings, which were sold
22 to patients. On one of the tapes distributed by Respondent, he referred to his "Tenth Strategy"
23 informing his patients that he was in possession of approved medication that would reverse the
24 aging process by 20-30 years, that the medication would cost \$1,500 per injection, that he did
25 not "mark up" the price of the medication, and that the medication was approved by the FDA for

26
27 ² On September 15, 1997, the manufacturers of phenfluramine voluntarily withdrew the
28 drug from the market after the Food and Drug Administration received numerous reports of heart
valve problems, pulmonary hypertension, as well as an ailment often known as cardiac fibrosis.

1 age reversal. The medication referred to by Respondent was somatropin, sold under the brand
2 names Nutropin and Humatrope, a form of human growth hormone marketed to treat growth
3 failure in children and adults who lack natural growth hormone, and in those with chronic kidney
4 failure. Respondent's conduct was alleged to have violated Wisconsin Stats. 441.07(1)(b) and
5 (1)(d), and Wisconsin Admin. Code N 7.04, subds. (1), (13), and (15).

6 15. On or about September 23, 1998, a hearing was held on the allegations contained in
7 the Amended Complaint. Expert testimony was presented by a cardiologist. Based on a review
8 of the evidence, the expert witness opined that Respondent committed the alleged violations.
9 Respondent did not appear at the hearing and was found in default.

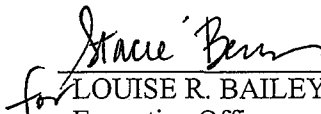
10 16. On or about May 14, 1999, the Wisconsin Board adopted the proposed Findings of
11 Facts, Conclusions of Law, and Order of the administrative law judge and issued an order
12 revoking Respondent's Registered Nurse license and Advanced Practice Nurse Prescriber
13 certificate. On May 8, 2002, the Wisconsin Board issued an order denying Respondent's petition
14 for reinstatement.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 497974, issued to Peter
19 Vincent Walter;
- 20 2. Ordering Peter Vincent Walter to pay the Board of Registered Nursing the reasonable
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions
22 Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: MARCH 2, 2013

25 *for*  LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

SD2012704678